

6-21-04

\$RCE/2653

Practitioner's Docket No. 55675 RCE (70551)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: J. Nakajima, et al.  
Application No.: 09/800,082 Group No.: 2653 ✓  
Filed: March 5, 2001 Examiner: Tran, Thang V.  
For: OPTICAL DISK HAVING PITS OF DIFFERENT DEPTHS FORMED  
THEREIN, OPTICAL DISK REPRODUCING APPARATUS FOR  
REPRODUCING THE OPTICAL DISK, AND METHOD OF TRACKING THE  
OPTICAL DISK

Mail Stop: RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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JUN 2 4 2004

Technology Center 2600

CERTIFICATE OF EXPRESS MAILING

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Kathryn A. Grindrod  
Kathryn A. Grindrod

REQUEST FOR CONTINUED EXAMINATION (RCE)  
(37 C.F.R. 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. Section 1.114, for the above identified application.

TIME REQUEST IS BEING MADE

2. This request is being submitted (check appropriate item(s) below):

- i. ☐ Prior to abandonment of the application
- ii. ☒ Payment of the issue fee
  - ☒ Prior to payment of issue fee
  - ☐ Issue fee has been paid but a petition under Section 1.313 has been granted

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01 FC:1801 770.00 OP  
02 FC:1202 126.00 OP  
03 FC:1201 86.00 OP

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- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences  
☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.
- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145  
☐ Commencement of a civil action under 35 U.S.C. 146  
☐ Prior to the filing of such appeal or commencement of civil action  
☐ Such appeal or commencement of civil action has been terminated

#### ENCLOSURES

3. Enclosed herewith is/are:

- ☒ An information disclosure (37 C.F.R. Section 1.98)  
☒ Form PTO-1449 (PTO/SB/08A and 08B)
- ☐ An amendment
- ☐ New arguments
- ☐ New evidence in support of patentability-
- ☐ Other:

#### FEE FOR REQUEST (37 C.F.R. Section 1.17(e)).

4. This application is on behalf of:

- ☐ Small entity (and status is still as small entity) \$385.00
- ☒ Other than a small entity \$770.00

Continued Prosecution Request Fee \$ 770.00

# FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3) SMALL ENTITY			OTHER THAN A SMALL ENTITY	
Claims Remaining After Amendment		Highest No. Previously Paid For		Present Extra	Rate	Addit. Fee	OR	Addit. Fee
Total	27	Minus	20	= 7	x \$ 9	\$0		x \$18 = \$126.00
Indep.	4	Minus	3	=1	x \$42 =	\$0		x \$84 = \$ 84.00
[ ] First Presentation of Multiple Dependent Claim					+ \$140 =	\$0		+ \$280 = \$
								<b>Total Addit. Fee \$210.00</b>

*(complete (c) or (d), as applicable)*

(c) [ ] No additional fee is required.

**OR**

(d) [ X ] Total additional fee required is \$ 210.00.

## EXTENSION OF TIME

*(If an extension of time is appropriate complete (a) or (b), as applicable)*

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

<u>Extension for (months)</u>	<u>Fee for small entity</u>	<u>Fee for other than small entity</u>
<input type="checkbox"/> one month	\$ 55	\$ 110
<input type="checkbox"/> two months	\$ 210	\$ 420
<input type="checkbox"/> three months	\$ 475	\$ 950
<input type="checkbox"/> four months	\$740	\$1,480

Fee \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- ☐ An extension for \_\_\_\_\_ month has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

OR

- (b) ☒ Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### TOTAL FEE(S) DUE

**WARNING:** The fee for continued examination under Section 1.114 may not be deferred. 37 C.F.R. Section 1.53(f).

7. The total fee(s) due is/are:

Continued Prosecution Fee (Section 1.17(e))	\$ <u>770.00</u>
Fee(s) for additional claims (if any) (Section 1.16(b)-(d))	\$ <u>210.00</u>
Extension of time fee (if any) (Section 1.17(a)(1)-(4))	\$ _____
Total Fee(s) Due:	\$ <u>980.00</u>

### PAYMENT OF FEE(S) DUE

8. Please pay the fee(s) for this continued examination application as follows:

<input checked="" type="checkbox"/> [ X ]	Check is attached for the sum of	\$ <u>980.00</u>
<input type="checkbox"/> [ ]	Charge Account <u>04-1105</u> the sum of	\$ _____
<input type="checkbox"/> [ ]	Charge Credit Card the sum of (Credit Card Payment Form (PTO-2038) attached.)	\$ _____

Please charge any required additional fee(s) for Section 1.17(e), Section 1.16(b)-(d) and/or Section 1.17(a)(1)-(4) to

<input checked="" type="checkbox"/> [ X ]	Account <u>04-1105</u> .
<input type="checkbox"/> [ ]	Credit Card (Credit Card Payment Form (PTO-2038) attached.)

### INVENTORSHIP

9. This application as amended names as inventors:

<input checked="" type="checkbox"/> [ X ]	the same inventors as previously designated for the claims.
<input type="checkbox"/> [ ]	fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.

- ☐ a person not named previously as an inventor and a petition under 37 C.F.R. Section 1.48  
is/has separately:  
☐ being filed  
☐ been filed

Date: June 18, 2004

David A. Tucker  
SIGNATURE OF PRACTITIONER

Reg. No. 27,840

David A. Tucker  
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